



**THE ATTORNEY GENERAL
OF TEXAS**

AUSTIN 11, TEXAS

PRICE DANIEL
ATTORNEY GENERAL

April 27, 1949.

Hon. R. L. Proffer, Chairman
Senate Committee on Education
51st Legislature
Austin, Texas

Opinion No. V-813.

Re: The effect of H. B. No. 691
changing the name of North
Texas State Teachers' Col-
lege upon the right of the
College to participate in
funds provided by the Col-
lege Building Amendment.

Dear Sir:

On behalf of the Senate Committee on Education,
you have submitted a copy of proposed House Bill No. 691,
together with the following questions:

"1. Would the changing of the name of an in-
stitution such as that of North Texas State
Teachers College (Art. 7, Section 17, Texas
Constitution) to North Texas State College de-
prive that institution of the benefits provid-
ed in the Constitutional Amendment adopted
August 23, 1947?

"2. If House Bill No. 691 should be passed
changing the name of North Texas State Teach-
ers College to North Texas State College, set-
ting up a separate board of regents and di-
vorcing it from the present teachers college
system, would the college be deprived of the
benefits it would be entitled to under Arti-
cle 7, Sec. 17, Texas Constitution?"

You have requested further that:

"If in your opinion this bill is uncon-
stitutional, we would like for your department
to draw a bill which would constitutionally
provide for changes affecting North Texas State

Teachers College as set out in House Bill No. 691."

Your letter states that the purpose of H. B. 691 is to separate the Teachers College at Denton from the Teachers College System by setting up a new Board of Regents and changing the name of the college to North Texas State College.

The bill as drawn, however, purports in substance to abolish the North Texas State Teachers' College and to create in its stead a new college and a governing Board of Regents, which institution shall be known as North Texas State College. Undoubtedly, under Section 48 of Article III, Constitution of Texas, the Legislature may create and abolish State Colleges. But the intended purpose of H. B. 691, as stated in your letter and inferred in your questions, is not to abolish the Teachers College now at Denton nor to create a new college in its stead. Rather, it is to change the name and governing board only of that institution of higher learning at Denton, now known as the North Texas State Teachers' College. Nor is it the attempted purpose of the bill to deprive that institution, by changing its name and governing board, of the building benefits it may now enjoy under the provisions of Section 17 of Article VII, Constitution of Texas.

Accordingly, we have redrafted H. B. 691 to comport with the intendments expressed in your letter, and to relieve it of a possible serious Constitutional objection that the same was drawn to circumvent the Constitutional provisions found in Section 17 of Article VII in order that the Legislature might provide from the General Revenue Fund for its building requirements in violation of those provisions. Clearly, the Legislature could not accomplish by indirection that which the Constitution directly prohibits in Section 17 of Article VII.

In its opinion No. V-574, this office advised that the Corpus Christi Junior College would be eligible to participate in the legislative State-aid appropriation made for junior colleges designated by name in Article 2815j-2, V.C.S., even though it subsequently should change its name to Corpus Christi College. We think the principles announced in that opinion would be equally applicable to the question at hand; that even though the

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Legislature should change the name and governing board of North Texas State Teachers' College in the manner set out in the submitted revised H. B. 691, North Texas State College would be entitled to the constitutional appropriation or benefits designated to North Texas State Teachers' College in Section 17 of Article VII. The mandate of that constitutional provision is that that State College at Denton, Denton County, shall be entitled to the college building benefits to the extent and in accordance with the procedure therein set out, irrespective of what its name may be or by what State board it is governed.

SUMMARY

If the name and governing board of North Texas State Teachers' College is changed by the enactment of proposed House Bill No. 691, 51st Legislature, as revised, that State institution of higher learning at Denton will continue to participate in funds provided by the College Building Amendment, Section 17 of Article VII, Constitution of Texas. A. G. Opinion V-574.

Very truly yours,

ATTORNEY GENERAL OF TEXAS

By 
Chester E. Ollison
Assistant

CEO:bh

APPROVED


PRICE DANIEL
ATTORNEY GENERAL